

### **REMARKS/ARGUMENTS**

The Final office action of October 12, 2005 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 12, 17 and 18 have been amended. Claims 1-11 have been canceled. New claims 22-28 have been added. No new matter has been added. Claims 12-28 are pending in this application.

Applicants note with appreciation that claims 20 and 21 were indicated as allowable.

Claims 12 and 18 were objected to for reciting "a threshold." Claims 12 and 18 have been amended as suggested by the Examiner. Withdrawal of the objection is respectfully requested.

Claim 17 was objected to for "grammatical and idiomatic errors." Claim 17 has been amended to correct the supposed "grammatical and idiomatic errors." The objection should be withdrawn.

Claims 12-15 and 18 were rejected under 35 U.S.C. 102(a) as being anticipated by Ohsuge (EP 0989 685 A2). This rejection is respectfully traversed.

Claim 12 recites comparing a bit stream derived from a received digital data stream with an expected bit sequence to determine a correlation value for detecting a data packet. Claim 18 recites a packet detector for comparing a bit stream derived from a received digital data stream with an expected bit sequence to determine a correlation value for detecting a data packet. The Office Action cites Ohsuge at paragraph [0018] and FIG. 1 (components 13, 15, and 17) for providing this teaching. However, Ohsuge fails to teach or suggest this feature.

The Ohsuge disclosure does not relate to comparing a bit stream from a digital data stream with an expected bit sequence. Nor does Ohsuge teach or suggest determining a correlation value for detecting a data packet based on the comparing. The Ohsuge disclosure relates to signal power distribution and, as such, fails to teach or suggest an expected bit sequence at all. Ohsuge merely discloses signal power distribution data in a "delay profile" used to analyze signal paths required to operate a rake receiver reception section. The "delay profile" contains signal power distribution with respect to delay times of the reception signals. The Ohsuge disclosure is unrelated to comparing a bit stream with an expected bit sequence or determining a correlation value for detecting a data packet. In fact, Ohsuge fails to teach or

suggest an expected bit sequence at all. Moreover, the “correlation data” in Ohsuge’s “delay profile” merely provides power distribution information which is unrelated to detecting a data packet. Withdrawal of the rejection is respectfully requested.

Claim 12 further recites starting data extraction when the correlation value exceeds a threshold value indicating that a data packet has been detected. Claim 18 further recites the data extraction unit for starting or restarting data extraction when the correlation value exceeds a threshold value or a stored maximum correlation value indicating that a data packet has been detected. The Office Action cites Ohsuge at paragraph [0019] and FIG. 1 for providing this teaching. However, Ohsuge fails to teach or suggest this feature.

Ohsuge merely discloses determining a threshold power value, selecting data from a “delay profile” based on comparison of the data with the threshold power value, then storing those power values in storage. Notably, Ohsuge merely stores values passing a threshold comparison in storage but fails to teach or suggest starting data extraction based on the threshold comparison. Ohsuge merely discloses extracting data from the “delay profile” and fails to teach or suggest data extraction from a data stream at all. Also, Ohsuge fails to teach or suggest indicating that a data packet has been detected. Rather, in Ohsuge, the threshold comparison of power values does not relate to a detection of a data packet at all. Therefore, it is respectfully submitted the rejection should be withdrawn.

“A claim is anticipated only if each and every element is set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In the present case, Ohsuge fails to disclose each and every element set forth in claim 12 or 18. Therefore, it is respectfully submitted the rejection should be withdrawn.

Claims 13-15 depend from claim 12 and are allowable for at least the reasons set forth above for claim 12.

Claims 16, 17, and 19 were rejected under 35 U.S.C. under 35 U.S.C. 103(a) as being unpatentable over Ohsuge in view of Gurney (U.S. Pat. No. 5,619,542). This rejection is respectfully traversed.

Claims 16 and 17 depend from claim 12. Claim 19 depends from claim 18. As set forth above, Ohsuge fails to teach or suggest claim 12 or claim 18. Gurney fails to cure the deficiencies of Ohsuge.

The Office Action asserts that Gurney discloses a timing estimation system. Even assuming *arguendo* that the Office Action's assertion is true, Gurney still fails to teach or suggest comparing a bit stream from a digital data stream with an expected bit sequence, determining a correlation value for detecting a data packet based on the comparing, starting data extraction when the correlation value exceeds a threshold value indicating that a data packet has been detected, or a data extraction unit for starting or restarting data extraction when the correlation value exceeds a threshold value or a stored maximum correlation value indicating that a data packet has been detected. Also, Gurney fails to teach or suggest synchronizing the received bit stream based on the stored maximum correlation value.

Because Ohsuge and Gurney, either alone or in combination, fails to teach or suggest claims 16, 17, and 19, it is respectfully submitted the rejection should be withdrawn.

New claim 22 depends from claim 12 and recites synchronizing the received bit stream based on the stored maximum correlation value. New claim 23 depends from claim 18 and further recites that the sync-control module further synchronizes the received data stream based on the stored maximum correlation value. Ohsuge fails to teach or suggest these features. Indeed, the Ohsuge disclosure is unrelated to synchronizing a stream at all.

New claims 24-28 are believe to be allowable over the cited references.

### **CONCLUSION**

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

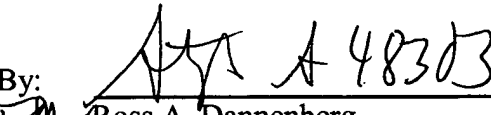
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Respectfully submitted,

BANNER & WITCOFF, LTD.

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